

**Notice of Allowability**

Application No.	Applicant(s)
09/521,588	STATT, DAVID J.
Examiner	Art Unit
Madeleine AV Nguyen	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 08/30/2004.
  2.  The allowed claim(s) is/are 1, 2, 4, 5, 8, now renumbered as 1-5 respectively.
  3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 04/19/2004.
  7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

This communication is responsive to amendment filed on August 30, 2004.

Applicant cancels claims 3, 6-7, 9-12, amends claims 1, 8.

### ***Response to Applicant Remarks***

1. Applicant's arguments, see pages 4-7, filed on August 30, 2004, with respect to amended claims 1 and 8 have been fully considered and are persuasive. The rejections of claims 1-12 have been withdrawn due to the amendment of the claims.

### ***Allowable Subject Matter***

2. Claims 1-2, 4-5, 8 are allowed.

The following is an Examiner's Statement of Reasons for Allowance: Claims 1-2, 4-5, 8 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches:

- a) A method of calibrating a color reproduction apparatus which has a process for converting received digital color signals to uniquely-associated drive code values and to then produce an image rendering with color densities corresponding to the drive code values comprising the steps of producing a calibration target having a plurality of color patches by using input code values which correspond to a sample of color densities, wherein one subset of the color patches is intended to have neutral color density values and another subset of the color

patches is intended to have non-neutral color density values deviating in their mix of red, green, and blue from each other; producing error signals characteristic of differences between measured color densities and intended color densities of the patches intended to have neutral density values and the patches intended to have non-neutral density values for adjusting the converting process of the reproduction apparatus as a function of the error signals.

b) A calibration system comprising at least one first patch with a neutral density code value, at least one second patch having a red code value which is deviated from its neutral value, at least one third patch having a green code value which is deviated from its neutral value, and at least one fourth patch having a blue code value which is deviated from its neutral value wherein for each neutral point of a designated set of neutral points along a neutral axis in a three-dimensional density space, selecting four non-neutral points such that the four non-neutral points sit on a common plane wherein the neutral axis is normal to the common plane, the common plane is further out on the neutral axis than the corresponding neutral point, and the four non-neutral points represent corners of a square in the common plane such that the square is centered on a point where the neutral axis intercepts the common plane.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

November 12, 2004